

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HERMAN LEE BARTON JR.,

Plaintiff,

V.

WESTERN STATE HOSPITAL,

Defendant.

CASE NO. 3:14-cv-05431-RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR: SEPTEMBER 5, 2014

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creature. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

On June 5, 2014, mail sent to plaintiff was returned to the Court by the United States Postal Service because plaintiff is no longer at the address on file with the Court (Dkt. 3). It has been over sixty days since the return of that mail and the plaintiff has not updated his address with the Court. Accordingly, the Court does not have a current address for plaintiff.

Local Rule 41 (b)(2) states:

(b) Involuntary Dismissal; Effect Thereof

(2) A party proceeding pro se shall keep the court and opposing parties advised as to his or her current mailing address and, if electronically filing or receiving notices electronically, his or her current email address. If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service, or if email is returned by the internet service provider, and if such plaintiff fails to notify the court and opposing parties within 60 days thereafter of his or her current mailing or email address, the court may dismiss the action without prejudice for failure to prosecute.

Plaintiff has failed to keep the Court apprized of his current address. The Court recommends dismissal of this action without prejudice for failure to prosecute.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on September 5, 2014, as noted in the caption.

Dated this 11th day of August, 2014.


J. Richard Creature
United States Magistrate Judge